

REMARKS

Claims 1-17 are pending in this Application. Claim 1 is amended with this Response. Applicant respectfully thanks the Examiner for indicating the allowable subject matter of claims 6, 7, and 11-16. Applicant further and respectfully thanks the Examiner for removing the 112 rejections.

Rejections under 35 U.S.C. §102(b)

Claims 1-3, 8-10, and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,152,207 to Varley (“Varley” hereinafter). Applicant respectfully traverses.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant’s amended claim 1 recites, *inter alia*:

“at least a portion of the stiffening bar being disposed internally to the shutter,...
...wherein a portion of the stiffening bar protrudes from the shutter via a window defined by the lateral surface of the shutter, the portion of the stiffening bar protruding in a direction that is substantially perpendicular to the lateral surface.”

Varley does not teach a stiffening bar disposed internally to a shutter, and certainly does not teach a window defined by a lateral surface of the shutter or a portion of the stiffening bar extending substantially perpendicularly therefrom. Instead, referring to Figures 1 and 2 and column 4, lines 11-16, Varley teaches a stiffening bar 42 that is supported by strap members 46a and 46b that lie adjacent to the surface of shutter face 18d. This lying against the surface of the shutter 18 is not only contrary to internal disposal, but also renders as unnecessary any window in the lateral surface of the shutter through which the bar may extend in a perpendicular direction.

For at least these above reasons, Applicant respectfully submits that Varley does not teach every element of Applicant's claim 1, or claims 2-3, 8-10, and 17 that depend respectfully therefrom. Therefore, it is respectfully asserts that claim 1-3, 8-10, and 17 are not anticipated by Varley.

Claims 1-4, 8-10, and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,765,622 to Lichy ("Lichy" hereinafter). Applicant respectfully traverses.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."
Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's amended claim 1 recites, *inter alia*:

"at least a portion of the stiffening bar being disposed internally to the shutter,...
...wherein a portion of the stiffening bar protrudes from the shutter via a window defined by the lateral surface of the shutter, the portion of the stiffening bar protruding in a direction that is substantially perpendicular to the lateral surface."

Lichy does not teach a stiffening bar disposed internally to a shutter, and certainly does not teach a window defined by a lateral surface of the shutter or a portion of the stiffening bar extending substantially perpendicularly therefrom. Instead, referring to Figures 1 and 2 and column 6, lines 17-21, Lichy teaches a bottom bar 22 that is secured to a bottom edge of a curtain 12 via opposite portions 23 and 25 secured to each other on opposite faces of the curtain 12 via bolts 27. This securing on opposite faces of the curtain 12 is not only contrary to internal disposal, but also renders as unnecessary any window in the lateral surface of the shutter through which the bar may extend in a perpendicular direction.

For at least these above reasons, Applicant respectfully submits that Lichy does not teach every element of Applicant's claim 1, or claims 2-4, 8-10, and 17 that depend respectfully therefrom. Therefore, it is respectfully asserts that claim 1-4, 8-10, and 17 are not anticipated by Lichy.

Rejections under 35 U.S.C. §103(a)

Claims 4 and 5 have been rejected under 35 U.S.C. §103(a) as being obvious over Varley in view United States Patent No. 5,056,579 to Krafutler ("Krafutler" hereinafter), and claim 5 has been rejected. Applicant respectfully traverses this rejection under 35 U.S.C. §103(a) as being obvious over Lichy in view of Krafutler.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 4 and 5 depend from claim 1. As such, for at least the reasons discussed in the above 102 rejection, Applicant respectfully asserts that neither Varley nor Lichy teach every element of Applicant's claims 4 and 5. Since Krafutler does not remedy the deficiencies of either Varley or Lichy, Applicant further asserts that the proposed combinations of Varley and Krafutler and Lichy with Krafutler does not teach every element of Applicant's claims 4 and 5. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 4 and 5 with respect to the proposed combinations of Varley and Krafutler and Lichy with Krafutler. Since proposed combinations of Varley and Krafutler and Lichy with Krafutler fail to teach or suggest all of the limitations of claims 4 and 5, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying or combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,
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